

Washington Supreme Court

**STRATEGIC PLANNING
PROCESS ADVISORY GROUP**

July 25, 2011
Olympia, Washington



WASHINGTON
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**WASHINGTON JUDICIAL BRANCH
STRATEGIC PLANNING PROCESS ADVISORY WORKGROUP**

AGENDA

July 25, 2011 – 1:30pm-5:00pm

Quinault Conference Room
Administrative Office of the Courts
Olympia, WA

- I. Introductions
- II. Discussion of Charge
- III. Strategic Planning 101
- IV. Discussion: Scope of Project
- V. Discussion: Stakeholders
- VI. Discussion: Process
- VII. Discussion: Composition
- VIII. Discussion: Funding
- IX. Future Meetings

John Broderick

Remarks to the
Mid Winter NACM Conference
Baltimore, MD
February 7, 2011

“Reengineering The Courts for the 21st Century and the Challenges to Court Leadership”

Good morning,

It’s a genuine pleasure to be with all of you again. Since I last spoke at your midyear conference two years ago in Portland, Oregon much has changed in my professional life. After serving for fifteen years on the New Hampshire Supreme Court, and most of the last seven as Chief Justice, I decided to step down from the court this past November. I am now the dean of our university’s law school.

The risk of leaving the bench early, however, is that you get to find out who those people are who never really liked you, even though they smiled when they called you “Your Honor”. But that’s a risk worth taking. I’ve also come to terms with the fact that some lawyers now seem to take less interest in my general welfare. I’m not sure why that is, although I have a few ideas. Sadly, my family no longer stands as quickly as they used to when I enter a room. But, all in all, I’m adjusting.

But there are pluses to leaving the bench early, too. Not only am I rediscovering the simple joy of having a first name again, I have also come to realize another benefit of my early departure; it has allowed me to use my years of service and commitment for other important purposes. In my case, I look forward to heading a distinguished law school faculty, helping to reform legal education to ensure that law school graduates are more “practice ready” than ever before and assisting in inspiring a new generation of lawyers to meet the changing and accelerating demands of the 21st century.

I also want to use my new freedom to speak more openly and candidly about the challenges confronting state courts and about the need for court management and leadership to be more creative than ever before and more open to new ideas and systemic change. The status quo is no longer possible and in these unprecedented times, it is not your friend, even if you could sustain it. That reality and my respect for all of you made your kind invitation to come to Baltimore a pleasure to accept.

During my years on the bench, I witnessed and participated in an era of incredible change and challenge. Exponential change, really. Much of it was thrust on us and not welcomed or planned for. Before becoming a judge in 1995, I was a trial lawyer for more than

two decades. I loved the trial courtroom and all it represented in American life. But the court system seemed more vibrant during my years as an advocate, more accessible to more people and far more affordable for those who sought justice. Times have certainly changed but our mutual obligation to keep watch over the critical mission and capacity of the state courts has not changed. While our watch is more arduous and lonely than in years past, the obligation to keep watch remains. Much hangs in the balance. Success will require not only that we implement and manage real change but, more importantly, that we embrace it. All of you are critical to that success and well-equipped to achieve it.

During my thirty-eight years as a lawyer and judge, both the importance and professionalism of court management has grown. Today, you are indispensable to the capacity of the American justice system to fulfill its core obligations. You are more skilled, better trained, better educated and more dedicated than at any time in your distinguished history. What all of you do every day, while often below the radar, makes our justice system possible. You genuinely matter to the rights of a free people. Not many others can say that about the jobs and careers they chose but you can. You should all be rightly proud of all you do.

For many people, you and those you supervise, are the face of justice behind the counters in America's courthouses. You also help to design and manage court operations and court infrastructure and oversee their effectiveness and overall consistency. While the judges may be more visible than you are, in many ways, you are just as important. Because of my admiration for what you do and the incredible commitment and competence with which you do it, I welcome this opportunity to share some thoughts with all of you this morning. I would like to focus my remarks on three areas: the forces I see that demand real change in the systems you manage; the type of systemic change that will be required to meet the demands; and the importance of enhanced court administration to implement and manage needed change.

Let me turn first to the forces driving change. At the top of the list are the expectations of the private marketplace. Technology, time and money underscore them. Simply stated, we have become a nation of multitaskers, more anonymous yet more integrated and interdependent. Efficiency, speed and transparency have become the watchwords of our times. Doing more for less is the new imperative.

Instant communication is the "new normal." Facebook, Twitter, blogs, Skypes, Blackberries, i-Pods and i-Phones are the new channels for social interaction. This list is not exhaustive or static but it is revolutionary. The internet is the new town square. The fax machine, while not yet an antique, is an endangered species. Once a novel and important invention, it has become dated, and it didn't take too long for that to happen. In the 21st Century, even change is at risk. Even change is changing.

Time and distance have been dramatically compressed by our new means of communication. As a result, diligence and efficiency will never be defined as they once were. 24/7 is the growing expectation in our virtual world. Weeks of waiting on a court calendar that

was once perceived as timely is now seen as the old equivalent of months or longer by the unrelenting, pulsating world outside our windows.

Paper, still the mainstay of most state courts, is beginning to disappear from the rest of real life at an amazing pace. Just look at the growing financial losses of the U.S. Postal Service over the past decade. Letters are far less common than they once were and Federal Express carries letters and packages that the Postal Service once shipped when it was the only game in town. E-mail has made Federal Express less relevant. Why wait for overnight delivery when the instantaneous click of a mouse will do the job in the blink of an eye, and for a lot less money. We're in such a rush and so impatient that we've developed an internet vocabulary all its own with acronyms and abbreviations.

Even libraries are becoming less relevant to community life and knowledge. Some have shuttered their doors and many others are struggling. Portable electronic reading devices like Kindles and Nooks are replacing books, especially for the millennial generation.

Barnes and Noble is for sale. Borders is flirting with bankruptcy. Last year, online retailer Amazon sold more e-books than paper ones. That had never happened before. Indeed, twenty years ago that would have seemed pure fiction.

Many newspapers have been victimized by the "expectations speed bump". According to a recent edition of the New Yorker, in the past three years, newspaper circulation and advertising revenues have plummeted, a fourth of all newsroom employees have been laid off or have accepted buyouts, and more than a hundred free local papers have folded. Even some major city newspapers have disappeared. America Online has hired nine hundred journalists within the last year and is hiring forty more each week. The news services we rely upon are changing.

More and more newspapers that have survived are moving to the internet but most have yet to figure out a business plan for sustainable profit. Even the New York Times seems to be having trouble finding the "sweet spot" in this new century that shows little respect for longevity, influence or past importance. Nothing and no one seems indispensable any longer. Even the anchors of the 20th century are in trouble: General Motors and Chrysler filed for bankruptcy and Ford narrowly escaped it. That would have seemed unimaginable twenty years ago; absolutely unimaginable. Just a few days ago, I was having lunch in an upscale chain restaurant, if there is such a thing, in Concord, New Hampshire that had small, electronic menus on its tables from which you could both place your order and pay for it. It certainly was not good news for the wait staff yet it catered to the dual realities of this new age: too little time and too little money. Computers don't have 401(k)s and they don't need health care. They also don't call in sick.

A few weeks ago, I read a brief article in a New Hampshire newspaper announcing that Blockbuster had filed for Chapter 11. It didn't seem that long ago that Blockbuster was the cutting edge of the 21st Century. Netfliks and On Demand Television moved it from the "cutting

edge” to the “cutting room” floor. The only mistake that state courts and those who lead and manage them can make is to assume that they are somehow immune from the rip tides and strengthening undertows of these perilous times. The requirement for a smarter, less expensive and more user-friendly court system will need to be fulfilled. Just like paper, libraries, gas guzzling cars, newspapers and old style videos, there are alternatives to the current civil justice system. Either state courts will meet rising marketplace expectations or others will. The private justice system in American has already been flourishing and the federal courts could handle more “customers”.

In addition to being battered by accelerating marketplace realities, the state courts are also confronting changing generational expectations. They can’t be ignored, either. Let me share two brief stories that I hope make a larger point: it’s not whether state courts can survive with yesterday’s practices tweaked at the margins but whether the next generation will tolerate or even understand what most of us with more than 15 years of judicial service at all levels have grown to accept.

Just how real generation change can be was brought home to me last summer. A friend of mine who lives on Cape Cod year round, took his family to Vermont over Labor Day weekend. When they were returning home, he told me, they passed through a tiny Vermont town; just a general store and a gas station. My neighbor was startled when his sixteen year old daughter who was sitting in the back seat exclaimed:

“Dad, what is that?”

“Where?” he said.

“Over there by the gas station”, she said, pointing out her passenger window.

As it turned out, she had spotted a phone booth. She had never seen one. After the big metal and glass box was explained to her, she went back to quietly texting. For many of us, our yesterday is unknown to others. There’s a lesson in there for state court judges and administrators who are often conflicted about both the need for meaningful change and their obligations to design it and direct its path. It’s not that the telephone in that odd looking booth couldn’t have completed Alyssa’s call, it’s just that it was so dated, unfriendly, exposed and antiquated as to be unappealing. It actually required conversation to communicate. Now that’s a 20th Century notion! Texting through the ether from the quiet privacy and comfort of the backseat seemed a much better bet. Sixteen year old Alyssa will probably need the courts one day herself. If she sees us like that phone booth, she will either use the federal courts, the private justice system or complain about the services we provide her. None are good for public trust and confidence and none are pre-ordained.

Now my second story. Two years ago I was flying home from Honolulu. My seat mate on that trip was a 6 year old boy named Jack. His parents were across the aisle and asked if I

would mind changing seats with their son so he could be closer to them and I would have the window. Not a bad trade, I thought, when taking off from Oahu on a late afternoon picture-perfect day. As we were barreling down the runway a few minutes later, I asked Jack if this was his first flight. “No,” he said, a little exasperated, “I had to fly to Hawaii.” I had the sense Jack was regretting my company. Once we were airborne, Jack watched the movie and ate everything he was offered. At one point he considerately tapped my forearm to ask if I was enjoying the flight. Jack had apparently decided to give me a second chance. When I asked where home was he replied, “The Chicago area”. No further details were offered. His parents had trained him well.

But what I remember most about that trip is that somewhere in the growing darkness over the Pacific, Jack’s father handed him a small device that he was able to hold comfortably in the palm of his 6 year old hand. He worked it like a fighter pilot. It had icons, text and streaming video. I had no idea what it was. Given Jack’s earlier reply to my question about whether he was flying for the first time, I didn’t dare to ask him to identify it. But I remember wondering what Jack’s reaction would be if he saw the technology many state courts are using, including my own. To be blunt, I didn’t think he’d be impressed and I wouldn’t have been proud to show him. Jack, I thought, will likely need the state courts one day himself. We all need to be prepared for his visit. Most of us have a long way to go before we’ll be ready. His expectations will be very high. Ours better rise to meet them and others will need to join us if we are to make that happen.

The third force demanding change in state courts is the painful reality that more and more people and small business can’t afford the services state courts offer. Courts take too long, offer more process than is due and lawyers increasingly cost too much for too many. Just ask yourself: “Could I afford to hire a lawyer and if so, for how long?” Your answer will no doubt mirror the answers of most Americans. Four years ago, the President of the California State Bar authored an article about the neglected middle class in the state courts. “Of the many challenges that we face as a profession,” he wrote, “the one that should concern us most is that we now have a legal system for which the majority of Americans cannot afford adequate legal services...Either we’ll need to adapt our system to more actively need more of society’s needs or society will change the system for us.” I agree with him. Delivering a product people can’t afford is not a formula for success in the 21st century. The billable hour, while still appropriate in some cases, cannot be the only arrow in the quiver. If it is, “do-it-yourself” lawyering will become even more of a growth industry.

The final great force for change is state budget freefall aggravated by a growing lack of civic understanding, both inside and outside of state legislatures. Too many citizens and legislators seem not to appreciate the fundamental importance of state courts to the underpinnings of our constitutional democracy. In many ways, declining civic knowledge may be the biggest threat to state courts. Combining this decline with the steep decline in state budgets could make for the “perfect storm”.

About a year ago, the New York Times warned that state courts were at a “tipping point” and were “spiraling into crisis” because of huge state budget deficits. For the 2010 fiscal year, for example, 45 state court systems experienced budget deficits ranging from 2 to 16 percent. In California, Arizona and Iowa, the deficits have grown even larger. For the current fiscal year, state governments are expecting a collective \$180 billion deficit that will certainly diminish court services. State governments are looking at structural deficits which could result in a collective \$599 billion short fall between revenue and expenditures for the fiscal years 2009 to 2012. This is worse than any recession in our lifetime. Even when the tide returns it is not expected to reach old levels. Even in fiscally responsible New Hampshire, the looming budget is about a billion dollars shy of being balanced and that is after much of state government, including the courts, has been put on life support.

As for the growing civic knowledge gap, let me share a brief story. During my last two years as chief justice, the state budget problems were severe. I testified twice before House Finance in a short time. Two weeks later, after a close but supportive vote, I ran into a committee member in a State House elevator. I thanked him for his support and we talked for a bit. At one point, he said, “You know, judge, your testimony was very powerful.” Never having said anything powerful before, I was curious. “What did I say”, I asked, “that you remember?” “When you told us that the courts are actually the third branch of government. That was very powerful.” He responded without a hint of a smile. And he was our friend. Recently, a senior, elected executive branch official described the court system in a public statement as “an important state agency”. Two thirds of American adults can’t name the three branches of government and only 15 percent can identify the Chief Justice of the United States Supreme Court. Many more could name the three judges on American Idol. To paraphrase Thomas Jefferson, no nation can long exist both ignorant and free. If the civic knowledge gap continues, we will soon be road testing the soundness of Mr. Jefferson’s prediction.

It’s troubling that some people believe that courts should reflect the will of the popular majority. Under their view, if court decisions aren’t popular, cutting court budgets is an appropriate response, and in time, judicial independence will be eroded. When they can, some people vote judges out of office for just issuing unpopular opinions. Just look at the recent Supreme Court elections in Iowa. As I speak to you today, there are some in my home state legislature that would like to curtail or eliminate judicial review – especially where an act of the legislature is declared by the courts to be unconstitutional. Unless the civic knowledge gap is filled, declining budgets may be the least of our problems.

Having identified the forces for change, let me address the kind of systemic redesign that will be needed in the state courts to respond. It is greater than many of you may think. I know it is greater than I once thought. I would point to our experience in New Hampshire to suggest that effective redesign will require that court leadership and management be open to systemic change and that it will be necessary to suspend disbelief that real change is possible. As Mary McQueen, President of the National Center for State Courts recently said, “Hoping and coping are no longer enough.” In these uncertain times, “failing in place” is a possibility for

every enterprise – both large and small, public and private. State courts can “fail in place” too, even if the doors remain open and the lights are on. Some would say they are failing now. Since they handle almost 98 percent of all judicial business in the United States, failure would be catastrophic.

In New Hampshire, 73 per cent of our annual judicial branch budget is spent on salaries and benefits for 620 non-judicial staff, 59 full time judges, 15 marital masters and 37 part-time judges. We also have numerous court security officers who receive modest per diem payments and no benefits. Still, they consume 5% of our budget. We spend about 12% of our budget on facilities. Our technology funding comes from a separate dedicated fund. After our essential spending is done, we have virtually nothing left to meet discretionary needs.

When I became Chief Justice in 2004, our Supreme Court undertook to modernize and streamline court operations to make them more efficient and more user friendly for more people. We created a family division for a broad array of cases ranging from divorce, to domestic violence, adoption, juvenile delinquency, guardianship of minors, CHINS petitions and termination of parental rights. We drew cases for the family division from all the trial courts in our state. The family division docket now accounts for more than 60 percent of all cases in our system.

We also created a self-funded, first ever judicial branch Office of Mediation and Arbitration. It operates in all courts, including our Supreme Court. Many, many cases are being resolved without ever having a judge involved and litigants overwhelmingly honor the deals they make. We also established a specialized opt-in docket for business cases. Many judges initially resisted it on the basis that every judge should be a generalist so we asked the legislature to create it and the Governor to nominate the first-ever judge to run it. It is now working well. We also made a whole host of changes to accommodate and assist the self-represented and we dramatically enhanced our web site. When we finished we thought we could rest for awhile. Certainly, we thought, we had done enough to accommodate changing times. Then, state budget deficits grew and our appropriation declined. We were asked to make more cuts to our already reduced budget. Rather than lay off dedicated and experienced staff, all of us, from the Chief Justice to the newest staff member, agreed to save another \$3.1 million through voluntary unpaid furlough days over our two year budget cycle. This required the courts to close almost one day a month. Many counters are closed to the public, even when the courts are open, to allow staff to process paperwork without interruption. To save even more money we suspended many civil jury trials, reduced court session days in some courts by 20 percent and reduced our use of many part-time judges. As non-judicial staff retired, we held their jobs vacant. Today about 92 of our 620 staff slots are empty. Almost 15 percent of our full time judicial positions remain unfilled and more than 20 percent of our marital master slots remain vacant. Ironically, because we needed money to keep the court system afloat, we asked our Governor not to fill these vacancies. We needed to use the money to pay retirement contributions and rising health care costs.

Although the budget deficits continue to grow it is not, in my opinion, possible for our courts to take any more financial hits and pretend they are providing timely, thoughtful justice. It got so bad last year that four parties filed suit claiming their state constitutional rights to timely access to the courts were being abridged. Although the case was dismissed without a hearing on the merits, the point was made.

To stave off further requested cuts, my colleagues and I agreed that I would sit down with editorial boards to make the case that the hemorrhaging should stop. As it turned out, we received universal support from the newspapers for adequate funding. Mercifully, the cuts did stop. Not convinced, however, that we could hold the line for FY12 and 13, we established an Innovation Commission in March of last year and asked a successful private sector businessman to chair it. The Commission had broad membership; some of it legislative. Its mission was broad, too. After ten months of serious study and analysis, the Commission just issued a hundred page report with significant suggestions for systemic change. Most prominently, the Commission recommended a huge infusion of capital budget money for technology needs and also urged the formation of a Circuit Court which would result from combining the district, family and probate courts into a single entity. Judges in the new combined court would serve interchangeably on all types of cases. It also recommended consolidations and centralizations which, in time, would eliminate 50 middle management positions; including clerks and deputy clerks of court. The Commission also recommended that all speeding violation cases be removed from our district courts to our Department of Safety. The Commission report promised to save \$37 million in budget growth over this decade. It has received near-unanimous support from thoughtful media and legislative leadership. As tough as it would be to implement, it may be the only way out of our burning building. Since 30 percent of our staff will likely retire in five years, it is hoped that we could accomplish personnel savings without laying off any staff.

By March of last year, it was starkly apparent to us, despite our earlier efforts to enhance efficiency and reduce the rate of rising costs, that the court model we had on the ground was not fiscally sustainable. It is hard to justify a budget that is 73 percent people in today's day and age when technology, centralization and consolidation can, if used and managed wisely over time, supplant the need for many current court staff and future hires. The challenge now in my state is to make the legislature appreciate that if it gives the courts \$5 million in technology money it cannot expect the courts to cut their operating budget by the same amount immediately. However, that will be a more focused discussion to have and, perhaps a more successful one than asking the legislature to continually increase the court budget for an outdated system by 5 percent every year forever. Those days are over. We all need to find a new way out.

What does all this mean for you?

In these new times, court management can no longer hope to oversee and expand resources to meet growing demands with a 20th century paradigm of modest cost savings and

efficiencies to guide them. All of you are in a footrace to keep the state courts viable and relevant. Not just for today's users but for Alyssa and Jack, too. That's what's at stake. You have the unenviable task of doing so in circumstances where many legislatures demand undifferentiated cuts across state government while many lawyers and judges still believe that we're in a "bad patch" but will one day return to the security and predictability of yesterday. While you're trying to do your airport redesigns with fewer air traffic controllers than you need, you have to consider that more and more of the planes stacking up overhead don't have pilots and others are too big for your runways.

I urge all of you to rethink the airport model on the ground. Maybe all the cases in our adversary system don't need to be there. Maybe every plane doesn't need to land at our airport. At the very least, maybe they don't all need to land here in the first instance. Divorce cases come to mind. There has to be a better and less divisive, not to mention less expensive, way to dissolve failed marriages. Presenting each side with boxing gloves, expensive trainers and managers and a professional scorer and referee might not be affordable or sound. In most cases, it may not work well for the kids, let alone the parties. Divorce cases remain a huge part of state court litigation.

A few years ago our court heard an appeal involving an attorney's lien in a divorce case. The narrow legal issue was whether lien procedures had been followed. The case involved a husband and wife who between them had \$100,000 in assets. The wife's legal bill for which the lien was sought was \$30,000. In our state where marital assets are presumptively divided equally, the math in the case demonstrated that our system for handling divorces might well be broken; quite apart from whether the lien was perfected.

The 20th century way to address expanding needs and delayed flights at airports was to hire more people and pay overtime. Both those systems have vanished. You will need to find ways to do more in less time and less expensively than ever before. You may have to advocate for a tiered triage system in our adjudicative model and you may have to design smaller runways with fewer planes for people to take so they can leave the airport with a solution they can actually afford. Maybe small aircraft have different needs than jumbo jets.

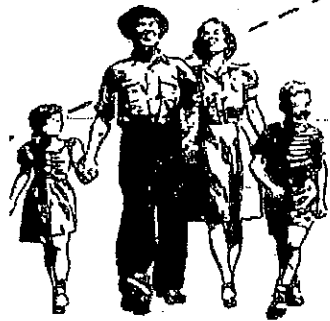
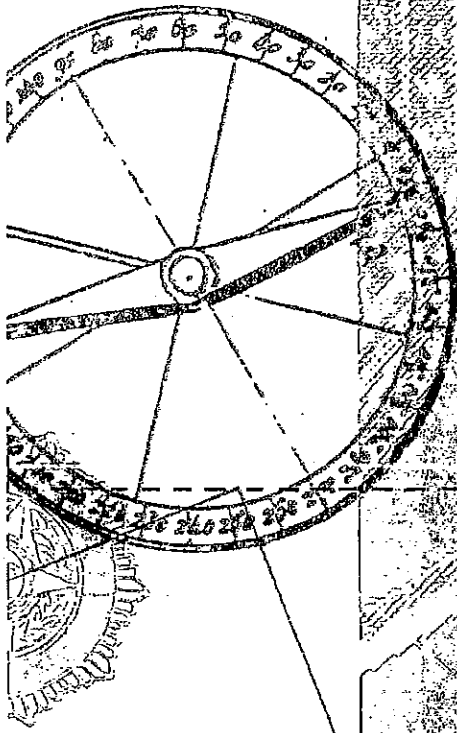
Technology enhancement and the elimination of paper are key. Creating more of a virtual courthouse open for business in one form or another seven days a week should be your target. Video conferencing and video hearings should be a priority and interactive website capacity should be a goal. Airports don't close at 4:30 in the afternoon and I can make reservations on line all night long.

Although you will be called upon to make do with fewer people, the people you will need to hire will need to be better trained and more skilled. They will not be inexpensive. Unless legislatures change their view on state employment, they will make your job of attracting high quality, long-serving staff very difficult.

Judges and court management, as well as state legislators, will need to decide the core mission and expectation for state courts. The types and kinds of cases state courts routinely handle have changed over time and more of them are jumbo jets. Many more involve families and many of those small planes approach our runways without pilots. It's getting more and more difficult to land aircraft. Before our jumbo jets go elsewhere or the small planes begin to crash, we need to figure out a better and more efficient airport design. That's really your challenge, your core mission. I know it won't be easy or without false starts. But, I also know this. There are a lot of passengers in those planes who are counting on you and your incredible skills. And, by the way, our constitution promises everyone a right to land somewhere and no one has an inexhaustible amount of fuel.

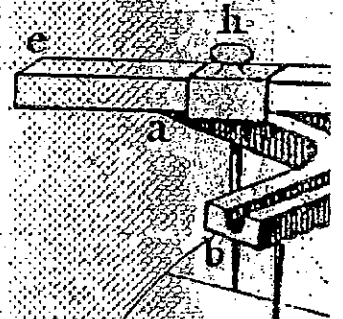
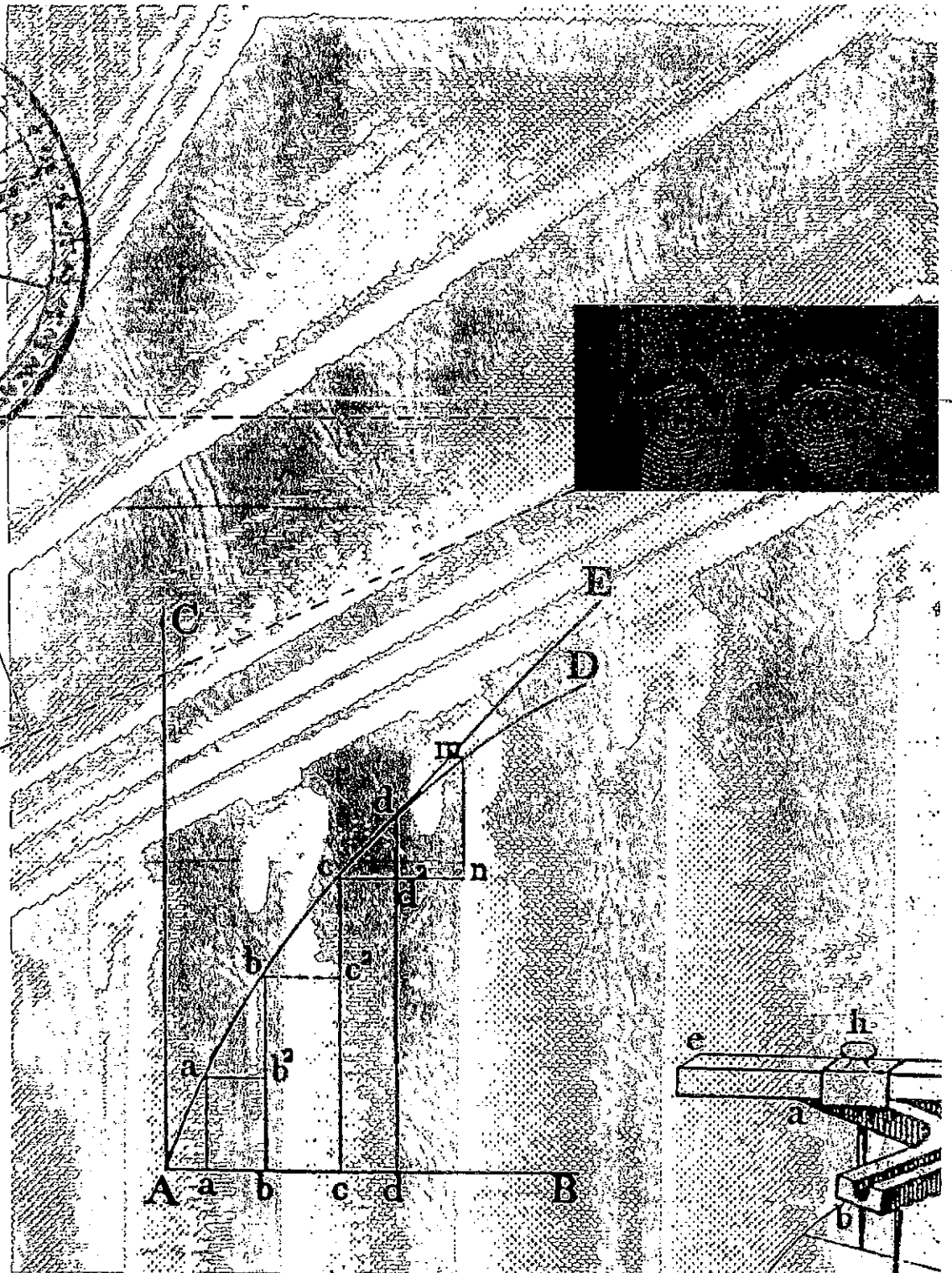
Thanks for listening and, more importantly, thanks for all you do.

An Approach to Long Range Strategic Planning for the Courts



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Center for
PUBLIC POLICY STUDIES



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FOR THE COURTS**

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CHAPTER I

LONG RANGE STRATEGIC PLANNING AND THE COURTS

Introduction

The economic, social, political, and technological trends shaping the nation are creating unprecedented demands on courts. These forces of change also foreshadow future demands that will differ substantially from those of the past. Yet, few courts are now able or equipped to anticipate or respond adequately to these current and anticipated future demands. One purpose of this *Guide to Long Range Strategic Planning in the Courts* is to outline an approach to help courts respond to these demands.

Long range strategic planning is a collection of concepts, processes, and tools designed to help courts:

- ▶ Identify and understand the implications of the demands confronting them now and the demands they are likely to face in the future;
- ▶ Determine their capacity to meet current and future demands;
- ▶ Define a desired future that responds to changing demands;
- ▶ Outline a path to realize their desired futures; and
- ▶ Establish a foundation for ongoing strategic management.

This *Guide* includes step-by-step instructions for implementing an approach to strategic planning in a variety of court settings.

A description of an eight-step planning approach and how it can be implemented, along with a variety of practical tools, such as information collection and analysis forms, are included in this *Guide*. It is designed to be used by planning teams composed of judges, state and local court administrators, planners, and state and local court staff. It assumes that courts are willing to undertake a planning effort because they are concerned about improving their performance.

Chapter I

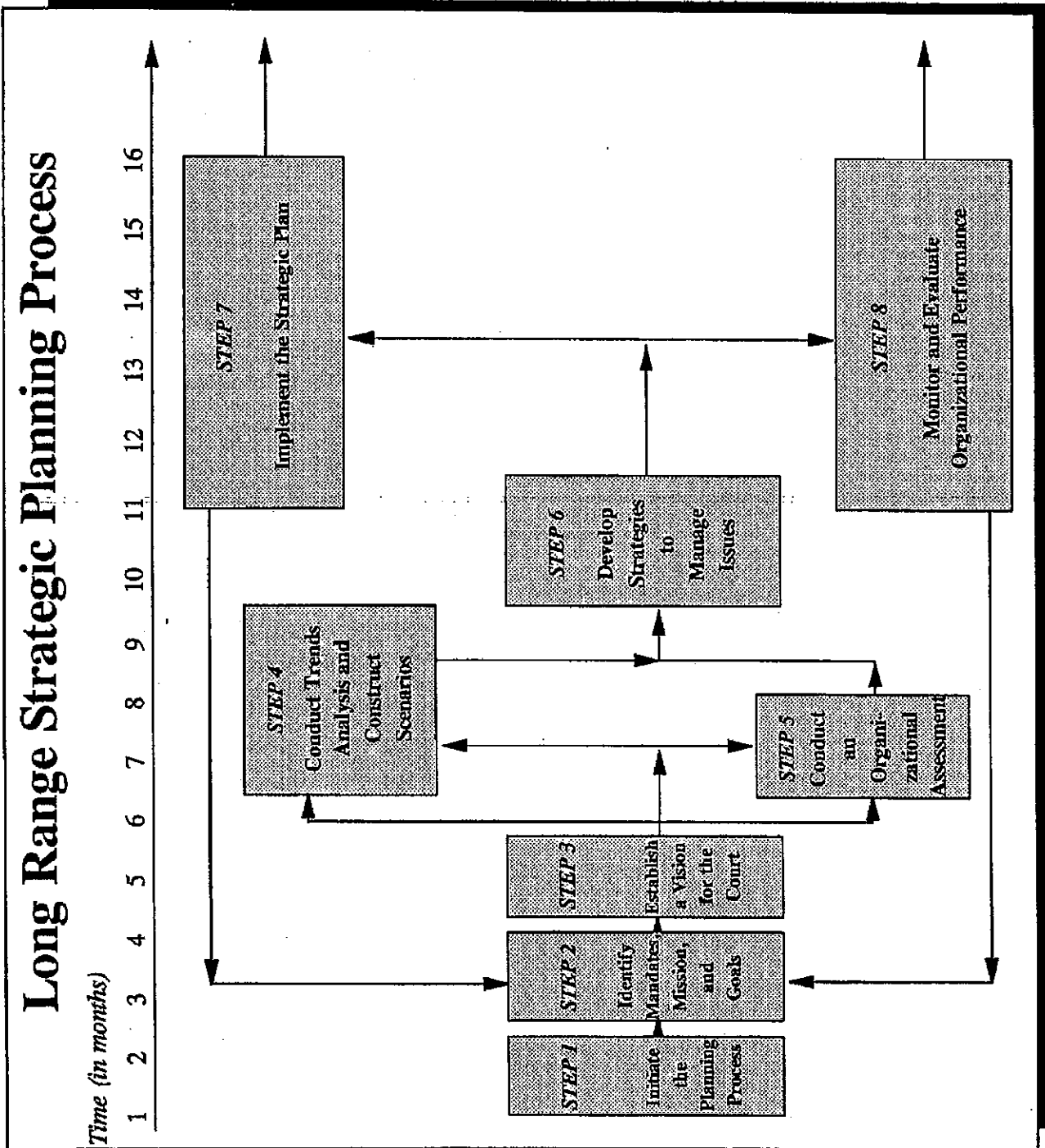
This chapter provides an overview of the approach to long range strategic planning, and a description of how the remaining chapters in the *Guide* are organized. The overview includes a discussion of why long range planning is needed in courts, a description of the planning process, and a review of the eight steps that make up the approach.

Approach Overview

There are eight steps in the long range strategic planning process. The spatial and temporal relationship among those steps is displayed in Figure 1. The major points to note in the figure are:

- ▶ Generally, the planning process is sequential; that is, early steps in the process (e.g. identifying mandates, missions, and goals) need to be completed before later steps (e.g. identifying strategies to respond to demands) can be successfully completed. Some steps, however, can be undertaken simultaneously. For example, the analysis of trends (Step 4) and the organizational assessment (Step 5) can be done at the same time.
- ▶ Two steps in the process — implementing strategic management (Step 7) and monitoring performance (Step 8) — are largely ongoing tasks.
- ▶ The time required to complete each step varies. Each of the first three steps, for example, may only require 4-6 weeks to complete. Other steps likely will take longer. It should be noted that the times shown in Figure 1 are very general estimates based on the planning experience of different organizational types with disparate needs. The amount of time required to complete a long range strategic planning effort in a specific court will be determined by a variety of factors, such as the size of the court system, the magnitude of its problems, and the number of staff and amount of resources that can be dedicated to planning.

FIGURE 1



What is Required to Complete Each Step in the Planning Process?

- ▶ **Step 1: Initiate and agree on a planning process.** A successful long range strategic planning process requires (1) a group of determined initiators, committed sponsors, and enthusiastic participants; and (2) agreement among these individuals about the scope, tasks, timing, and purpose of the planning effort.

Purpose: The purpose of this step is to identify and recruit appropriate individuals to the planning effort (i.e. those who share a common understanding of the value, purpose, scope, benefits, mechanics, and potential implications of long range strategic planning.)

Outcome: A comprehensive roadmap of the entire planning process to which a majority of the participants have agreed.

- ▶ **Step 2: Identify organizational mandates, missions, goals, and stakeholder expectations.**

Purpose: The purpose of this step is to define the court's mission and establish its objectives relative to fulfilling that mission. The court's mission is a function of its mandates (i.e. the services it is required to provide by law) and the service requirements it has assumed over time. These requirements have usually evolved through precedent or as a result of demands from stakeholders (i.e. a person, group, or organization that can place a claim on an organization's attention, resources, or services, or that is affected significantly by the court's performance).

Outcome: A statement of the court's mission and goals.

- ▶ **Step 3: Develop a comprehensive organizational vision for the future.**

Purpose: The purpose of visioning is to help a court think about the future creatively and uninhibitedly. Visioning allows the court to develop a picture of what it would like to be under ideal conditions. Unlike a mission statement, which outlines a court's organizational purpose, a vision statement outlines what the court could be.

Outcome: A statement that defines what the court would like to be.

▶ **Step 4: Conduct trends analyses and construct scenarios.**

Purpose: The purpose of conducting trends analyses and constructing scenarios is (1) to identify the nature, magnitude, and sources of the demands that might confront the court; and (2) to assess the likely implications of those demands on the court's structure and operations.

A *trend* is a series of related events, or activities that appear to have a demonstrable direction over time. A *scenario* is a history of the future. It describes the possible magnitude, sources, direction, and consequences of the more important trends likely to shape a court over a particular period of time. Scenarios are not predictions. Rather, they are fact-based speculations about what might happen in the future.

Outcome: A report that summarizes the important trends, identifies the implications of those trends, and assesses the potential impact of trends on the courts.

▶ **Step 5: Conduct an organizational assessment.**

Purpose: An organizational assessment describes the structure and operation of a court and identifies its strengths and weaknesses. It helps measure the court's capacity to meet current and likely future demands. Its emphasis is proactive in that it generates information about how the court might improve its performance.

Outcome: A brief report describing the court's organizational structure and its strengths and weaknesses.

▶ **Step 6: Develop management strategies.** This step is the heart of the long range strategic planning process.

Purpose: The purpose of this step is to identify strategic issues and develop organizational responses to those issues (i.e. strategies).

Strategic issues are fundamental trends, events, or policy choices that affect a court's mandates, mission, values, service level and mix of services, costs, organization, and management. *Strategies* are patterns of organizational activity that respond to strategic issues in ways which express the court's vision of what

it should be doing. *Strategic planning* is a tool for developing the court's most appropriate response to strategic issues.

Outcome: A report which summarizes and prioritizes the strategic issues and the strategies identified to address those issues.

- ▶ **Step 7: Implement strategic management.** A court's strategic planning needs to become ongoing strategic management. However, without a well developed implementation design and an ongoing commitment to manage the court strategically, the planning effort will have had limited utility.

Purpose: The purpose of this step is to provide the tools and procedures for converting strategic planning to strategic management.

Outcome: A strategic plan that outlines operational goals on an annual basis and that specifies the action steps required to achieve those goals.

- ▶ **Step 8: Monitor, evaluate, and modify organizational performance.** Evaluation and monitoring in strategic management assesses whether the court is following its strategies and achieving what it wants to achieve.

Purpose: The purpose of this step is (1) to measure actual performance against expected performance, (2) to identify any gaps between the two, (3) to determine the reason(s) for a gap, (4) to determine whether corrective action is warranted, and, if so (5) to develop a corrective action plan.

Outcome: Annual assessment reports that measure progress toward meeting strategic objectives, that identify obstacles to improving performance, and that propose adjustments and refinements to the strategic plan.

Who Should be Involved in Strategic Planning?

If a planning effort is to be both comprehensive and serve as a foundation for performance improvements, it will need to involve a variety of people: some from the many levels within the court, some from the interorganizational justice system network, and some from the "external" environment which surrounds the court. Specifically, long range strategic planning should include:

- ▶ **Top decision makers (e.g. the chief judge and court administrator).** They need to be involved because they usually control the resources needed for the planning effort and likely will be formally responsible for implementing any changes that result from it. Also, top decision makers are usually responsible for linking the court with other justice system agencies, other units of government, and the community generally.
- ▶ **Middle managers** need to be involved primarily because they most likely will be responsible for operationalizing most of the strategic decisions resulting from the planning effort. Also, middle managers often carry the burden for the managerial changes that result from long range strategic planning, and often hold unique knowledge about the way the court system "really" works.
- ▶ **Technical core and front-line personnel.** Technical core staff need to be involved because of their knowledge of the day-to-day procedures and practices of the court, such as record keeping, accounting, and facility operations. Front-line personnel need to be involved in the planning process because of their extensive contact with and/or extensive knowledge of the public and its needs. In addition, since both groups have the potential to undermine any planning effort, their cooperation with the planning effort is essential.
- ▶ **People from agencies throughout the interorganizational justice system network.** Today it is recognized that courts neither enjoy the luxury of being isolated from the rest of the justice system, nor do they have the practical authority to control the behavior of other justice system agencies. As a result, they need the support and cooperation of other justice system agencies to conduct and implement the results of long range strategic planning.
- ▶ **Court users.** The expectations of litigants, witnesses, jurors, and others who use the court, their sources of satisfaction/dissatisfaction, and their suggestions for improvements need to be incorporated into strategic planning efforts. Several mechanisms exist to elicit ideas from and the participation of court users, including surveys, personnel interviews, and having representatives of public advocacy groups serve on planning committees.
- ▶ **Interest group representatives.** Attorneys, insurance industry representatives, business groups, human service agency personnel, and other interest groups with a sizeable stake in court performance need to be included in planning efforts. Interest group representatives can affect the feasibility of implementing

changes to improve court performance. Perhaps even more important, however, is that they often have knowledge of and access to information important to the court, especially information about potentially important long term social, political, economic, and technological trends.

- ▶ **Consultants.** Planning and management consultants can enhance a planning effort largely by helping the court structure the planning process; helping it conduct trends analyses and a few of the other more complicated technical aspects of planning; and helping it deal with any obstacles that may arise. Consultants who are experienced meeting facilitators can be especially valuable in strategic planning efforts. As a neutral third party, they often can help a group develop useful outcomes, particularly a group that includes strong personalities and is composed of participants from a wide range of positions within the court.
- ▶ **State AOC representatives.** Many trial courts do not include professional planners and meeting facilitators among their staff. Many AOCs, however, may be able to provide these and other staff to help with the planning effort. For example, AOC staff may have information or access to information that will greatly enhance a strategic planning effort. Also, their support may be critical in obtaining the approval and financing needed to implement some of the changes recommended by the planning effort.

How Should Participants be Organized?

To be successful, long range strategic planning needs to be structured appropriately. The strategic planning experience of numerous public and private organizations offer useful guidelines for structuring a planning effort. Those guidelines suggest that the court may want to organize participants into three groups: (1) a court executive team, (2) a long range strategic planning committee, and (3) one or more work groups.

- ▶ **A court executive team** is the existing policy making body of a court. It is typically composed of a chief judge, the presiding judges of each of the court's criminal, civil, and other major divisions, and senior court administrators. The court executive team's role in strategic planning is to authorize and muster support for the planning effort, and to establish the long range strategic planning committee.

- ▶ **A long range strategic planning committee** is composed of representatives from various levels and units of the court. Its role is to design the planning process; establish necessary work groups; develop the court's mission, goals, and objectives; define critical issues; and develop the strategic plan and examine its implementation costs.
- ▶ **Work group(s).** Depending on its interests and needs, a court may establish one or more work groups that include people from outside the court. These work groups may include:

A trends and futures assessment work group is composed of court personnel and people from throughout the justice system network and the community. Its role is to examine major social, political, economic, and technological trends and their implications for the court.

An organizational assessment work group is composed of court personnel and people from throughout the justice system network and the community. The role of this group is to examine the court's operations and capacity to meet the demands that confront it.

Issue study work group(s) are composed of court personnel and people from throughout the community and justice system, including interest group representatives. These groups are formed to examine specific court-related issues identified by the long range strategic planning committee and by other work groups as being especially important.

What Can a Court Expect to Get From Long Range Strategic Planning?

- ▶ **Sheds light on important issues.** Long range strategic planning is a structured, disciplined approach that produces new information, repackages existing information, and draws attention to information that may be easily overlooked if not viewed within a broader context. It can help a court anticipate issues and problems and thus reduce the frequency of crises and unpleasant surprises.
- ▶ **Helps the court set priorities.** Long range strategic planning identifies high-priority items by answering the question, "What issues facing us will make a difference three, five, or ten years from now?" It allows the court to focus on fundamental, high priority issues, and to clearly distinguish them from less critical issues.

Chapter I

- ▶ **Positions the court to act on opportunities and supports improvement efforts.** Long range strategic planning helps to overcome resistance to change by identifying opportunities and detailing their advantages. It enables a court to adopt a proactive, rather than a reactive, position. Thus, it plays a part in creating its own future.
- ▶ **Identifies the most effective use of limited resources.** Long range strategic planning helps the court to target resources to important issues. It highlights those actions and programs that will be of greatest value in achieving desired results.
- ▶ **Helps to establish the Court's presence in the community.** Today's communities are in a constant state of social, economic, political, and technological flux. Long range strategic planning helps the court develop and maintain a sense of identity in its community as well as a long term direction that can withstand changing leadership and continually emerging crises.
- ▶ **Fosters community education and encourages consensus building.** Long range strategic planning helps the court identify major trends, events, and developments shaping the community. By sharing this information with key constituencies and interest groups, the court helps the community build a shared vision and develop strategies for achieving shared objectives.
- ▶ **Provides a mechanism for participation and cooperation.** The long range strategic planning process is participatory in nature. The involvement of diverse groups with diverse interests helps lower barriers and heighten mutual awareness.
- ▶ **Provides hope for overburdened justice system staff.** Long range strategic planning provides an opportunity for court staff to think beyond day-to-day problems.
- ▶ **Provides a foundation for ongoing strategic management.** Long range strategic planning provides the philosophy and tools for establishing ongoing strategic management within a court.

Planning Justice: Assessing the Strategic Plans of State Judiciaries

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Introduction

During the 1990s, court systems around the country faced an apparent crisis. The number of cases being filed increased at rates that caused many court users to experience long delays in the resolution of their disputes. The courts received a barrage of criticisms from the public and from other branches of government about their fundamental ability to administer justice in the face of rising case loads, changing public demographics and increasingly complex legal disputes. At the same time, strategic planning gained increasing popularity in the public sector based on the promise it had shown in the private sector (Bryson, 2004). Like in other public sector organizations, court leaders turned to strategic planning as a way to manage an uncertain future. While planning by judiciaries in few states occurred during the 1970s and 1980s, the apparent administrative crisis during the 1990s thrust planning to the forefront of court administration.

In the nearly twenty years since strategic planning gained popularity in the judiciary, courts throughout the country and at all levels have undertaken strategic planning. Yet, very little academic investigation into strategic planning by the courts has occurred, even though research into its spread into other parts of the public sector continues to expand.

This paper seeks to spark future academic inquiry into strategic planning by the courts by analyzing the current state of strategic planning amongst state courts. Through content analysis

of 13 current strategic plans by state courts and the District of Columbia courts, it will examine whether state courts are developing and publishing complete strategic plans and what common and uncommon themes appear in these plans. This paper will first briefly discuss strategic planning in the public sector and, more specifically, how it has been implemented in various court systems. The paper will then explain the methodology used to select and examine the state court strategic plans, including the two-phase content analysis of the thirteen plans that are the focus of our research. The results of the content analysis will then be revealed, along with implications of our analysis. This paper will conclude with suggestions for future research into state court strategic planning.

Strategic Planning in the Public Sector

Strategic planning is broadly used in the public sector, at least as measured by self-reported data (Poister, 2010). As required by the Government Performance and Results Act of 1993, all federal departments and agencies develop and periodically update strategic plans and these efforts may well constitute the most thorough and advanced strategic planning activity carried out in the U.S. public sector today. GAO's work on strategic planning in federal agencies suggests that, for strategic planning to be done well, organizations must (1) involve their stakeholders; (2) assess their internal and external environments; and (3) align their activities, core processes, and resources to support mission-related outcomes. Stakeholder involvement is particularly important for federal agencies because they operate in a complex political environment in which legislative mandates are often broadly stated and some stakeholders may disagree strongly about the agency's mission and goals (GAO-GAO/GGD-10.1.16, 1997).

Surveys and case studies also indicate that strategic planning has been widely adopted by state agencies (Aristigueta, 1999; Berry, 1995; Berry & Wechsler, 1995; Brudney, Hebert, & Wright 1999), and that many local government jurisdictions have been undertaking strategic planning efforts as well (Poister & Streib, 2005). Although strategic planning is broadly used in the public sector, the actual impacts of the practice have not been thoroughly studied (Bryson, Berry, & Yang, 2010).

Strategic planning in the public sector has evolved into strategic management to elevate it from a planning effort to one that requires implementation (see, for example, Mintzberg, 1994). More recently, in state government, strategic management, in addition to planning and implementation plans, includes performance measures to gauge progress towards strategic goals (see Aristigueta, 1999). However, even though there has been progress in strategic planning in the public sector, some of the issues plaguing the sector have not been resolved. For example, there is still a need for more clarity on how to deal with the plural, ambiguous, and often conflicting goals and missions inherent in public organizations (Bryson, Berry, & Yang 2010). The same authors warn that “models of public strategic management should attend more fully to the nature of the practice” (p. 506).

Strategic Planning by American Judiciaries: A Brief History

Strategic planning first emerged as a trend among the various American judiciaries during the 1990s (Boersema, 1993). With some thinking that the American court systems faced a crisis caused by overloaded dockets and an uncertain future, courts at all levels began to consider the merits of strategic planning (Boersema, 1993; Hoffman & Lucianovic, 1995; Lucianovic, 1996). This included the federal courts led then by Chief Justice Rehnquist, who

saw strategic planning as way to prevent the courts from becoming a bureaucratic disaster (Hoffman & Lucianovic, 1995). During this time period, the U.S. Administrative Office of the Courts established an Office of Long-range Planning. At the same time, state court leaders identified strategic planning as a priority at several national meetings on the future of the courts (Williams, 2007; Boersema, 1993). On the heels of these conferences, federal grants flowed to state courts for the formation of “futures commissions” in the majority of states, intended to help form a vision of the future of state courts. Strategic planning became a central focus of several of these futures commissions (Williams, 2007). During this same time period, the Center for Public Policy Studies released *An Approach to Long Range Strategic Planning for the Courts*, a publication that, along with a related training guide, carefully outlined how and why courts should undertake strategic planning (Martin, 1992).

Notably, planning was not completely novel to the courts during the 1990s. Hawaii’s judiciary undertook a planning effort as early as the 1970s and, at the same time, the Law Enforcement Assistance Administration (LEAA) funded planning efforts by a few court systems (Boersema, 1993). In the 1980s, the State Justice Institute funded court planning efforts, including the establishment of commissions in California, Colorado, Georgia, Maine, Massachusetts, and Utah (Boersema, 1993). Yet, as discussed above, the 1990s seems to have been a turning point when strategic planning became commonplace amongst court systems.

Reasons for Strategic Planning by the Judiciary

Several justifications exist for the emergence of strategic planning in judicial branches. As mentioned above, courts have seen an increase in caseloads, causing overloaded dockets marred by delays (Gavin & Stupak, 1996; Martin, 1992). Relatedly, during the early 1990s, courts faced constrained budgets that impeded their abilities to handle the increased caseloads

(Gavin & Stupak, 1996). The courts faced challenges from other branches of government and the public regarding their ability to effectively handle these cases (Williams, 2007; Gavin & Stupak, 1996). Strategic planning advocates are also concerned with courts' ability to face changing demographics amongst court users, increasingly complex legal disputes, and changing crime patterns (Martin, 1992). In short, the circumstances that affect how courts operate are in flux and strategic planning will help the courts anticipate and handle these changes effectively.

Another reason for strategic planning by judiciaries is their size and organization. Consider, for example, Pennsylvania's judicial branch, which includes a Supreme Court, Superior Court, Commonwealth Court and local courts in each of the counties in the state. These local courts are further divided into subject-specific courts, such as criminal, civil, and family courts. Additionally, each county has some autonomy over how its courts are organized and handle cases. There are over 1000 judges in Pennsylvania's court system (The Unified Judicial System of Pennsylvania, 2011). High volumes of cases cycle through these courts each year. Accordingly, an immense bureaucracy is needed to ensure that the administration of the courts is as effective as possible. In the face of criticism over courts' ability to handle all of the cases passing through these various courts and being decided by such a large number of independent judges, some viewed strategic planning as a way to focus the court bureaucracy and make their efforts more unified.

Challenges to Strategic Planning by the Judiciary

Just as there are reasons for strategic planning by judiciaries, there are several characteristics of the courts that raise questions about the appropriateness of strategic planning. Indeed, strategic planning is not an obvious fit for American judiciaries for several reasons. First and most fundamentally, courts are designed to be reactionary entities – their principle task is to

resolve disputes that arise because of unforeseen circumstances. The sway that courts have over the quantity and nature of the disputes that come before them is limited. Rather, they are beholden to any number of external factors over which they have little control, such as the clarity and efficacy of laws written by legislatures, the administration, enforcement and application of those laws by executive entities, and the ability of private citizens to resolve disputes without court involvement. As an example, consider the unforeseen strain that the 2010 BP oil spill in the Gulf of Mexico will have on various court systems (e.g., Associate Press, 2011, Apr. 21). Such an event would significantly affect court operations and the implementation of any strategic plan that might be in place. Thus, the inherently reactionary nature of the courts runs contrary to the future focus of strategic planning.

Second, the judicial branch is, by design, independent and traditionally followed a decentralized management structure (Lucianovic, 1996). Judges themselves are similarly independent and this can interfere with efforts to achieve a unified court administration (Lefever, 2010). Accordingly, it is reasonable to question whether individual courts and judges will buy into strategic planning, as they might see such planning as an obstacle to their independence. Notably, strategic planning initially became popular amongst judiciaries at a time when court administrators were gaining leadership positions that threatened the traditional judicial leadership structure (Gavin & Stupak, 1996). Planning, therefore, might be seen by judges as one part of a larger trend of diminishing judicial power.

Third, the fundamental function of the courts – ensuring justice – is a nebulous and ambiguous concept that seems difficult to transform into a strategic plan. It is difficult to envision how the abstract concept of justice might be manifested in outcomes and action plans. Yet, strategic planning would require just that. Strategic planning was devised in the for-profit

sector where the connection between an entity's mission and implementation strategies is much clearer.

Lastly, according to some, strategic planning is one part of a larger effort to expand the role of courts well beyond their original function. For example, Williams (2007) warns of a large scale effort on the part of many to redefine the courts' primary purpose from resolving legal disputes to "solv[ing] a broad range of social, economic and political problems among individuals and entire communities" (p. 594). He sees strategic plans as inappropriate political action undertaken by the branch of government that was intended to be apolitical. To Williams, strategic planning is much more than a management tool; it is a political tool that the courts are using to help expand their societal role. While Williams' critique may be extreme, it does grow out of the basic question of whether the courts were intended to be such large administrative entities with such a wide array of responsibilities. Strategic planning serves to further remove the courts from its simpler, traditional roots, which is troubling to some.

Despite the uncertain fit between strategic planning and the courts, its adoption by various courts continues. Van Duizand and Coleman (2009) of the National Center for State Courts recently argued that the funding restrictions caused by the current recession provide even further justification for strategic planning by the courts. In essence, they see strategic planning as a tool that helps courts do more with fewer resources. While they cite examples of what they consider successful strategic planning by the courts, concrete evidence of success is lacking. Accordingly, rigorous academic investigation into court strategic planning is needed.

Prior Court Strategic Planning Research

Academic investigation into strategic planning by the courts is extremely limited, despite the growth of research into strategic planning in public administration more generally. For example, Poister, Pitts and Edwards (2010) recent review of research into strategic management in the public sector, which analyzed 34 research articles found in 21 of the most relevant journals, included no articles on the judiciary. Searches of databases such as Academic Onefile and LexisNexis reveal a very small number of articles on strategic planning by the courts, none of which seem to undertake systematic analysis. Rather, they are limited to discussions of the expected expansion of strategic planning by the courts during the 1990s and Williams (2007) scathing theoretical critique of strategic planning and other moves by the court that he sees as indicative of a dramatic change in the roll of courts.

Methodology

In the face of an apparent lack of significant investigation into strategic planning by the courts, this research seeks to take a first step towards understanding how the use of strategic planning by various judiciaries is progressing. State court strategic planning is a promising place to begin this line of inquiry because they provide a wide variety of large-scale strategic plans. Indeed, most state court systems have undertaken some form of strategic planning over the past 15 years (see, e.g., NCSC, 2011).

Plan Selection

The present study focuses on 13 current, system-wide strategic plans published by state judiciaries and the District of Columbia on their official websites. The strategic plans included are as follows:

1. Arizona – Justice 2020: A Vision for the Future of the Arizona Judicial Branch
2. California – Justice in Focus: The Strategic Plan for California’s Judicial Branch
3. Colorado – Colorado Judicial Branch FY 2009 Strategic Plan
4. Connecticut – Strategic Plan for the Judicial Branch
5. D.C. – Delivering Justice: Strategic Plan of the District of Columbia Courts
6. Florida – The Long-Range Strategic Plan for the Florida Judicial Branch
7. Indiana – The Next Step to a New Way Forward: The Strategic Plan for Indiana’s Judicial Branch
8. Minnesota – Focus on the Future: Priorities and Strategies for Minnesota’s Judicial Branch
9. New Hampshire - Mapping the Future: Setting the Course for Improvement and Change in the Court System
10. New Mexico – New Mexico Judiciary Strategic Plan
11. Oregon – Oregon Judicial Department 2009-2013 Strategic Plan
12. Pennsylvania – A Strategic Plan for Pennsylvania’s Judiciary
13. Virginia – Commission on Virginia Courts in the 21st Century: To Benefit All, To Exclude None

This research focuses only on these current plans because it seeks to gauge the current state of strategic planning by the courts. While there are certainly interesting questions that arise out of considering how planning by the courts has progressed over the past two decades, they are not the focus of this paper.

State-wide plans were selected so that the plans being analyzed and compared pertain to similar jurisdictional parameters. In other words, comparing a strategic plan created by the family courts in Nevada to a plan drafted by the Atlantic and Cape May County Courts in New Jersey to a plan created by the court administrative offices of Wisconsin would involve mismatched units of analysis. The state court systems being analyzed all feature similar responsibilities and powers. The plans themselves were gathered from state court websites; therefore, to the extent any state court system has a current strategic plan but has not published it on its website, it was not included in our analysis.

Strategic Plan Component Analysis

The first stage of content analysis seeks simply to determine the extent to which the state courts successfully prepared comprehensive strategic plans. In other words, do the state plans contain all of the components of a completed strategic plan? In order to answer this question, the authors devised a set of ten, simple questions that were asked of each plan. The questions are designed to elicit yes/no responses so a checklist can be created for each plan that indicates the extent to which the plan contains the various components of a complete strategic plan.

The questions are derived from two prominent sources: Bryson's (2004) *Strategic Planning for Public and Nonprofit Organizations*, which is recognized as a leading text on strategic management in the public sector, and The Center for Public Policy Studies' *An Approach to Long Range Strategic Planning for the Courts* (Martin, 1992), which is an oft-cited resource by those discussing court strategic planning. Table 1 includes the questions asked of each strategic plan with references to these sources.

[TABLE 1 about here.]

Notably, the state courts did not use the same terminology across their plans. The authors analyzed each component of the plan to determine which question the component best addressed. For example, Virginia lists ten "visions," rather than a single vision statement. The specificity of these "visions" renders them more like goals than a vision statement. Accordingly, the authors answered the question about goals in the affirmative but the question about a vision statement in the negative when analyzing Virginia's plan.

Strategic Plan Theme Analysis

The second step in the analysis seeks to determine what the state courts are planning towards. In other words, how are state courts using strategic planning to operationalize their

basic function – the administration of justice? To accomplish this, the authors attempted to identify themes in each plan’s mission statement, vision statement and goals. Key words and phrases were extracted from each of these components; to the extent they were included in each plan. The authors then compared the key words extracted from each plan to assess commonality and diversity.

Analysis and Discussion

Plan Components

As tables 2, 3 and 4 will demonstrate, each state court plan contains between four and six of the ten components identified by the questions, with the exception of Connecticut’s plan, which contained eight components. Thus, none of these plans can be considered complete, although Connecticut’s certainly comes close. Because strategic planning is not a uniform process, one might contend that expecting the state court plans to contain all of these components holds them to a too exacting standard. Therefore, it is worth considering which components are most common and uncommon among the plans.

[TABLE 2 about here.]

[TABLE 3 about here.]

As seen in Tables 2 and 4, mission statements, goals and implementation strategies/action plans are the most common plan components, with all but two plans containing a mission statement, all plans containing broad goals or objectives, and all but one plan containing and implementation strategy or action plan. The commonality of mission statements, goals and implementation strategies/actions plans is expected, given their place as core components of strategic planning. Yet, important questions certainly arise out of those plans that failed to

include these components. For example, why did the Pennsylvania judiciary included neither a mission nor vision statement in its plan? Why did the Colorado courts focus so much of their plan on assessment and evaluation yet omit any discussion of steps they would take to meet their goals? Certainly, more in-depth investigation is needed to obtain a better understanding of each states strategic planning process.

[TABLE 4 about here.]

Even more questions spring from the scarcity of certain components see Tables 2 and 4. Assessments, which were included in only four plans, evaluation processes, included in only two plan, and plans to revisit/revise the strategic plan, found in only three plans, are the least common components. There are two apparent explanations for the lack of an organizational assessment in a plan. First, it may be that no formal assessment was done, which seriously undermines the validity of the plan itself. Alternatively, is conceivable that some of these court systems underwent an assessment process, but failed to include it in their plan. Given the courts' status as a public entity, it seems appropriate to include the results of the assessment in the plan itself to demonstrate to the public exactly how those involved in the planning process arrived at the various other components of the plan. There is great value to demonstrating the connection between an assessment of the current state of the organization and the future plans of that organization.

The lack of evaluation processes in the plans is also noteworthy. Most of the court systems failed to set forth the means by which they would determine the extent to which their plans are being implemented. Without evaluation, there is simply no way to answer the fundamental question of whether strategic planning has improved the courts.

Plan Themes

The plans' mission statements, vision statements and goals were analyzed independently, with the goal of extracting themes from these components of the plan to identify commonality and diversity amongst the plans. While all plans contained certain themes, namely "accountability," "fairness" and "efficiency," the great diversity amongst the plans' themes is the most significant finding. Even though all of the judiciaries that crafted these plans are tasked with essentially the same governmental function, their plans suggest that past experiences and future directions are quite different. Another noteworthy finding is the ambiguity of many of the more prominent themes, which possibly impedes courts' abilities to craft effective strategic plans.

Table 5 summarizes the themes that appear in the state judiciaries' mission statements. The most common themes are "accessibility," "the protection of rights," "fairness," and "efficiency," with the first three themes appearing in all but two of the mission statements and "efficiency" appearing in all but four. Beyond these common themes, there is surprising diversity amongst the mission statements. Some state judiciaries decided to be very specific, including Colorado, which lists "victim and community reparations" and "offender supervision" in its mission. Other states included a long list of broader values, such as the District of Columbia that mentions "accessibility," "fairness," "efficiency," "impartiality" and "rigor," among other notions in its mission statement.

[TABLE 5 about here.]

Table 6 displays the themes found in the vision statements, which evince even greater diversity. "Accessibility" is the only theme that is commonplace, occurring in all but two vision statements. Other than "accessibility", no theme appears in more than three vision statements.

While none of the themes included in the vision statement are surprising, it is intriguing that the state judiciaries are choosing to focus their futures on such a wide array of concepts.

[TABLE 6 about here.]

Table 7 contains the themes extracted from the strategic plans' goals. As expected, the diversity found in the goals is even greater than was found in the mission and vision statements, as goals are typically more specific components of strategic plans and every state judiciary strategic plan contains goals or some equivalent component. "Accessibility" and "fairness" again appear most frequently. The remaining themes appear in less than half of the goals and range from broad values, such as "innovation" and "diversity," to specific actions, such as "security/disaster preparedness" and "protection of children, families and communities." Notably, there is a small degree of commonality amongst the goal themes, with thirteen distinct themes occurring in at least four strategic plans.

[TABLE 7 about here.]

Taken together, the themes that are most prominent among the components analyzed above are ambiguous. This finding highlights one of the concerns raised about judicial strategic planning – the grand notions that are supposed to guide the courts do not fit neatly into strategic plans. In particular, it is difficult to transform concepts such as access, fairness and impartiality into the more specific components of strategic plans, such as measurable outcomes and evaluation processes. That most plans failed to include these more specific components suggests that the courts struggled to make a complete transition from the broadest plan components (mission and vision statements) to the more specific.

Conclusion

This paper seeks to spark further academic interest in strategic planning by the judiciary. The analysis of state court strategic plans contained herein is, admittedly, just an initial effort to gain a better understanding of this phenomenon. The content analysis of these plans reveals that the state judiciaries have thus far fallen short in their planning efforts. While most of their strategic plans contain core components such as mission statements, goals and implementation strategies, most lack evaluation processes that would enable the courts to gauge the effectiveness of their plans. This research further reveals that there is great diversity among the statewide plans, which is surprising given their similar core functions. While this is likely a reflection of the great diversity found in these states in general, it seems there is opportunity for state judiciaries to take a more collaborative approach to strategic planning, so they can learn from each other's experiences and borrow components of each other's plans where appropriate. Indeed, now that the courts have seen two decades of strategic planning, the development of a model strategic plan, informed by all of these years of experience, may be beneficial.

Certainly, these findings raise many more questions than answers. Future research is needed to determine if the evaluations being undertaken by the few state judiciaries that were able to devise them are effective. Moreover, a review of evaluation techniques used by other court systems (local courts, for example) and by other public entities would also be fruitful; as such techniques might be transferrable to the state court systems. Additionally, more general investigation into strategic planning by local courts and by subject-specific courts (such as family courts or drug courts) is needed to determine how the large-scale nature of statewide planning is affecting the plans discussed above. Lastly, state judiciaries that have opted out of strategic planning should be investigated to discover how they are attempting to manage

themselves. Indeed, this sort of investigation will speak directly to the most fundamental question of whether the courts should be involved in strategic planning at all.

TABLE 1

Question	Source
1. Does the plan demonstrate that input was sought from relevant stakeholders?	Bryson, 2004: “attention to stakeholder concerns is crucial” (p. 35). Martin, 1992: Provides instructions on conduction stakeholder analyses (pg. 45-47) and lists “Provide ample and appropriate opportunities for constituents to participate” as a requirement for strategic plan implementation (pg. 29).
2. Does the plan state broadly what the organization is through a mission statement or core values?	Bryson, 2004: Step 3 in “Ten-Step Planning Process” (p. 32) Martin, 1992: Step 2 in eight-step “Long Range Strategic Planning Process” (p. 24)
3. Does the plan state where the organization aspires to go through vision statement?	Bryson, 2004: Step 8 in “Ten-Step Planning Process” (p. 33) Martin, 1992: Step 3 in eight-step “Long Range Strategic Planning Process” (p. 24)
4. Does the plan provide an assessment of the current state of the organization?	Bryson, 2004: Step 4 in “Ten-Step Planning Process” (p. 32). Martin, 1992: Step 5 in eight-step “Long Range Strategic Planning Process” (p. 25)
5. Does the plan identify key issues/challenges facing the organization?	Bryson, 2004: Step 5 in “Ten-Step Planning Process” (p. 32) Martin, 1992: Step 6 in eight-step “Long Range Strategic Planning Process” (p. 25)
6. Does the plan enumerate broad goals/ objectives?	Bryson, 2004: Indicates that goals can be formed at various stages in the planning process (p. 33). Martin, 1992: Step 2 in eight-step “Long Range Strategic Planning Process” (p. 25)
7. Does the plan identify specific, measurable, desired outcomes?	Bryson, 2004: Implementation strategies should include “specific expected results, objectives and milestone” (p. 250) Martin, 1992: Contained in Step 7 in eight-step “Long Range Strategic Planning Process” (p. 25)
8. Does the plan provide implementation strategies/action plans?	Bryson, 2004: Step 9 in “Ten-Step Planning Process” (p. 33) Martin, 1992: Step 7 in eight-step “Long Range Strategic Planning Process” (p. 25)
9. Does the plan include evaluative processes?	Bryson, 2004: “successful implementation is likely to include summative evaluations” (p. 240) Martin, 1992: Step 8 in eight-step “Long Range Strategic Planning Process” (p. 25)
10. Does the plan include plan for revisiting/revising plan in future?	Bryson, 2004: Step 10 in “Ten-Step Planning Process” (pg. 33) Martin, 1992: “Trial court planning needs to be ongoing” (p. 23).

TABLE 2										
State	Strategic Plan Components									
	Relevant Stakeholders?	Mission Statement/Core Values?	Vision Statement?	Assessment?	Key Issues/Challenges?	Goals/Objectives?	Measurable outcomes?	Implementation strategies/action plan	Evaluation Process?	Plan to Revisit/Revise?
Arizona	•		•			•		•		
California	•	•	•		•	•		•		
Colorado		•	•	•		•	•		•	•
Connecticut	•	•	•	•		•	•	•	•	
District of Columbia	•	•	•		•	•		•		
Florida	•	•	•	•		•		•		
Indiana		•		•	•	•	•	•		
Minnesota		•	•		•	•		•		
New Hampshire	•	•				•		•		
New Mexico		•	•			•	•	•		•
Oregon		•				•	•	•		
Pennsylvania					•	•	•	•		
Virginia		•				•		•		•

TABLE 3

State	Components Included	Percentage Complete
Arizona	Stakeholders, Vision Statement, Goals, Implementation Strategy/Action Plan	40%
California	Stakeholders, Mission Statement, Visions Statement, Key Issues/ Challenges , Goals, Implementation Strategy/ Action Plan	60%
Colorado	Mission Statement, Vision Statement, Key Issues/Challenges, Goals, Measurable Outcomes, Evaluation Process	60%
Connecticut	Stakeholders, Vision Statement, Assessment, Goals, Measurable Outcomes, Implementation Strategy/Action Plan, Evaluation	80%
District of Columbia	Stakeholders, Mission Statement, Visions Statement, Key Issues/ Challenges, Goals, Implementation Strategy/ Action Plan	60%
Florida	Stakeholders, Mission Statement, Visions Statement, Assessment, Goals, Implementation Strategy/ Action Plan	60%
Indiana	Mission Statement, Assessment, Key Issues/Challenges, Goals, Measurable Outcomes, Implementation Strategy/ Action Plan	60%
Minnesota	Mission Statement, Vision Statement, Key Issues/ Challenges, Goals, Implementation Strategy/ Action Plan	50%
New Hampshire	Relevant Stakeholders, Mission Statement, Goals, Implementation Strategy/ Action Plan	40%
New Mexico	Mission Statement, Vision Statement, Goals, Measurable Outcomes, Implementation Strategy/ Action Plan, Revisit/Revise	60%
Oregon	Core Values, Vision Statement, Goals, Measurable Outcomes, Implementation Strategy/ Action Plan	50%
Pennsylvania	Key Issues/Challenges, Goals, Measurable Outcomes, Implementation Strategy/ Action Plan	40%
Virginia	Mission, Goals, Implementation Strategy/Action Plan, Revisit/Revise	40%

TABLE 4		
Component Question	States with Component	% of States
1. Does the plan demonstrate that input was sought from relevant stakeholders?	Arizona, California, Connecticut, District of Columbia, Florida, New Hampshire	46.2%
2. Does the plan state broadly what the organization is through a mission statement or core values?	California, Colorado, Connecticut, District of Columbia, Florida, Indiana, Minnesota, New Hampshire, New Mexico, Oregon, Virginia	83.3%
3. Does the plan state where the organization aspires to go through vision statement?	Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Minnesota, New Mexico	61.59%
4. Does the plan provide an assessment of the current state of the organization?	Colorado, Connecticut, Florida, Indiana	30.8%
5. Does the plan identify key issues/challenges facing the organization?	California, District of Columbia, Indiana, Minnesota, Pennsylvania	38.5%
6. Does the plan enumerate broad goals/objectives?	Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Indiana, Minnesota, New Hampshire, New Mexico, Oregon, Pennsylvania, Virginia	100%
7. Does the plan identify specific, measurable, desired outcomes?	Colorado, Connecticut, Indiana, New Mexico, Oregon, Pennsylvania	46.2%
8. Does the plan provide implementation strategies/action plans?	Arizona, California, Colorado, Connecticut, Florida, Indiana, Minnesota, New Hampshire, New Mexico, Oregon, Pennsylvania, Virginia	92.3%
9. Does the plan include evaluative processes?	Colorado, Connecticut	15.4%
10. Does the plan include plan for revisiting/revising plan in future?	Colorado, New Mexico, Virginia	23.1%

TABLE 6																
State	Vision Statement Themes															
	Well-Managed	Public Trust	Equality	Dignity	Employer of Choice	Courtesy/ Respectfulness	Consistency	Integrity	Collaboration	Impartiality	Independence	Accountability	Responsiveness	Efficiency	Fairness	Accessibility
Arizona									•				•	•	•	
Colorado				•	•	•		•	•				•	•	•	•
Connecticut							•		•	•	•					
District of Columbia		•	•													•
Florida											•	•				•
Minnesota							•			•						•
New Mexico								•			•		•			

TABLE 7

State	Goals/Objectives Themes																													
	Strengthen Criminal Justice System	Court Records Management	Simplified Court Structure	Responsiveness	Consistency	Protection of Children, Families and Community	Communication	Effective Dispute Resolution	Dignity	Innovation	Diversity	Strong Legal Profession	Employer of Choice	Integrity	Public service	Infrastructure	Security/Disaster Preparedness	Collaboration	Impartiality	Independence	Strong Administration	Professional Workforce	Technology/Modernization	Public Trust	Strong Judiciary	Efficiency	Accountability	Fairness	Accessibility	
Arizona						•	•				•										•	•			•	•		•		
California										•					•					•					•		•	•		•
Colorado													•	•				•												
Connecticut											•							•	•											
District of Columbia																•	•							•	•	•	•	•	•	•
Florida																														
Indiana																														
Minnesota																														
New Hampshire																														
New Mexico																														
Oregon																														
Pennsylvania																														
Virginia*																														

* Virginia set forth ten “visions” in its plan in lieu of goals.

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WHY NOT NOW? STRATEGIC PLANNING BY COURTS IN CHALLENGING FINANCIAL TIMES*

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Strategic planning should not be considered a luxury to be indulged in when times are good. During these difficult fiscal times, states, local governments, and trial courts around the nation are using strategic planning as a tool to identify and better manage their core missions.

Strategic planning has been defined as “a systematic, interactive process for thinking through and creating an organization’s best possible future” (Martin, 1992). It is an essential element of sound management for any organization. Over the past two decades, strategic planning has become a fundamental component of court management in judicial systems throughout the United States and around the world.

Visioning and strategic planning can help court leaders shape their courts and organizational environments by:

- Challenging court and justice system practitioners to think beyond day-to-day problems and crises;
- Fostering, developing, and sustaining internal and external cooperation, collaboration, and partnerships;
- Allocating and using limited resources strategically;
- Improving day-to-day court management practices;
- Enhancing court-community communications and increasing public understanding of and satisfaction with the courts and the justice system; and
- Creating futures driven by the judiciary’s deepest commitments: equal justice under law; independence and impartiality; equal protection and due

process; access to justice; expedition and timeliness; accountability; and public trust and confidence (National Association for Court Management, 1999).

The current economic crisis can stimulate the requisite senses of urgency and institutional will needed to effect positive change in business process and court culture.

Yet the announcement of a project to create a new court strategic plan amid acute fiscal woes may be regarded, at best, as counterintuitive or, at worst, potentially wasteful of precious time and resources. Many would ask, “Why now?” The more appropriate question, however, is, “Why not now?” The two-sided coin representing crisis and opportunity is relevant in court administration as never before. The current economic crisis can stimulate the requisite senses of urgency and institutional will needed to effect positive change in business process and court culture. Indeed, on a daily operational basis, the only thing more challenging than current conditions is trying to lead and manage a court or justice system *without* a clear plan for the future, without carefully conceived justifications for expenditure requests, without evidence-based criteria for success, and without the collaboration of justice system partners to address mutual problems.

A structured process of priority setting with eyes to the future is important for every organization at any time, even when budgets are tight and cuts in services have been mandated or are imminent. Several court systems and individual jurisdictions recently have used various forms of strategic planning successfully to:

- “Triage” operations and services to ensure that the court can continue to perform its constitutional functions effectively;
- Identify functions that can be improved, eliminated, or automated without significant cost or reduced services to the public;
- Suggest potential revenue enhancements and cost elimination;
- Redesign systems, operations, and services;
- Address specific caseloads that increase during an economic crisis, such as foreclosures, landlord-tenant cases, and family-law matters;

- Devise better means of responding to the increased number of self-represented litigants needing services from the courts; and
- Articulate a clear vision and concrete measurements for what the judicial branch could achieve if adequate funding is provided.

For example, the **Commonwealth of the Northern Marianas (CNMI)** has faced substantial reductions in government revenues for the past five years. In their attempts to reduce expenditures, the commonwealth’s executive and legislative branches have cut the judicial branch budget to the bone and sought

Commonwealth of the Northern Mariana Islands: Strategies for Achieving the Vision

Judicial Independence and Impartiality

1. Enhance collaboration with other branches of government

Timeliness of Judicial Processes

2. Enforce uniform procedures
3. Require attorneys admitted on a temporary basis to review the CNMI Rules of Procedure
4. Cross-train staff

Sensitivity to the Needs of the Public

5. Formally assess the needs of the public
6. Ensure uniform responses from staff dealing directly with the public
7. Increase and improve the information regarding the judicial system and individual cases that is available to the public

Accountability

8. Strengthen judicial discipline
9. Increase control over hiring and performance of court staff
10. Increase control over procurement for the court system
11. Develop court performance standards

Continuous Pursuit of Judicial Excellence

12. Determine public concerns regarding the court system
13. Provide ongoing professional development training for judges and court staff
14. Maintain up-to-date IT and communications systems
15. Implement and maintain support services
16. Strengthen courthouse security
17. Conduct a law-library needs assessment
18. Implement measures to retain a skilled workforce
19. Establish an oversight committee to ensure implementation of the strategic plan

additional reductions that threatened the independence of the judiciary. Court arguments regarding the need to maintain daily operations were not successful. Another approach was needed. Accordingly, CNMI judiciary and staff leaders created a vision statement for the judicial branch, together with a set of strategies, for achieving key elements of that vision over the next decade and measures for demonstrating progress.

In furtherance of this plan, the CNMI courts are implementing a comprehensive set of time standards for all types of cases (Timeliness and Accountability); developing court user surveys (Sensitivity to the Needs of the Public); and considering how to streamline the judicial branch’s governance and administrative structure.

The **Alabama Administrative Office of the Courts** undertook strategic planning after an extensive reorganization and in anticipation of significant budget cuts due to the worsening fiscal condition of the state’s economy. It sought to achieve ongoing excellence and define specific long-range organizational goals. During a series of facilitated workshops, the leadership of the office and each of its divisions formulated:

- a bold vision;
- a set of strategies that focused on what could be done to operate more efficiently, maintain and when possible enhance existing services without increased resources, and identify nontraditional sources of revenue; and
- a detailed action plan for implementing those strategies.

Within six months of formulating its plan, the Alabama AOC staff had already taken action in almost all areas, with several of the initial steps identified already completed, many close to completion, and almost all the others in progress.

The most far-reaching recent application of strategic planning was undertaken by the Access and Service Delivery Committee of the **Minnesota Judicial Council** in 2008. “The Council’s charge to the Committee . . . was to develop options for restructuring delivery systems, redesigning business processes, expanding the use of technology and prioritizing functions to provide appropriate levels of access and services statewide at the lowest cost” (Access and Service Delivery Committee,

Strategies to Implement Alabama AOC Vision

Efficient Administration	Innovative Management	Education	Accountability	Service
Establish uniform policies and procedures	Identify alternative funding sources	Require continuing education for the judicial branch	Use Smart-Plan approach	Create a unified helpdesk
Strengthen hiring and training practices	Enhance technology to lower costs	Increase use of videoconference- and computer-based educational programs	Strengthen use of state bid and procurement procedures	Post FAQs on Web site to reduce help-desk calls
Data-based allocation of resources	Improve communications through technology	Transfer institutional knowledge through enhanced mentoring	Start a suggestion box or court report cards and analyze responses	Install searchable index on Web site and telephone
Audit existing data to ensure quality and meaningfulness	Increase management flexibility	Enhance public education	Build and use more business process metrics	

2008:2). The committee explored how Minnesota’s court system could redesign the methods through which it delivers service and provides access to justice by taking advantage of new technologies and the flexibility offered by state funding. It drew an analogy from the experience of the banking industry:

The banking industry has experienced tremendous consolidation of companies in the last two decades, reducing costs through greater economies of scale, but at the same time adding electronic services so that today bank clients actually have greater access to their accounts and other banking services. . . . In the future, courts will provide an increasing proportion of their services using the telephone and Internet rather than provide them solely by court employees at physical court locations. Redesign of this sort may help improve service to the public while providing opportunities to save costs (Access and Service Delivery Committee, 2008:5).

Included among the proposed strategies for achieving this vision are centralizing or regionalizing certain administrative services (such as financial services, records management, and transcript preparation) and relying on electronic filing and in-court updating of court records and issuance of orders.

For example, if E-citation is used in combination with other electronic options . . . to assess and disperse payments, . . . automatically refer over-due cases to a collection agency, and [permit] payment through the web or phone, approximately 1.2 million of the 2 million cases filed with the courts each year would be processed with little or no human intervention . . . without a corresponding decline in service to the public. . . . It will free up local court staff to focus on those services that cannot be entirely automated such as walk-in pro se help (Access and Service Delivery Committee, 2008:8).

The **Richmond, Virginia, Juvenile and Domestic Relations District Court** has successfully used its court-planning process to advance the aims of the court in good times and bad. In the current severe funding crisis affecting the city and state, the plan has provided a defense against haphazard budget reductions by demonstrating that budget requests are based on well-researched needs, carefully drawn priorities, and input from multiple partners. As a result of the manner in which the court has implemented its plan, every budgetary line item—both requests and the eventual actual expenditures—now is directly related either to a core/mandated function or one of the court’s priorities in their strategic plan. The court reports that this, in turn, has built trust with many local officials and enabled it to save money in a fiscally responsible manner while maintaining service levels and addressing previously defined priorities. In addition, having demonstrated its

ability and commitment to follow through on prior strategic plans, the court has earned a reputation as a disciplined, reliable public entity, in which limited public funds may be invested with the confidence that they will be effectively spent.

In Richmond, as in most court strategic plans, a sizable number of objectives do not require funding and, thus, are not affected by the economic downturn. What several do require is something equally challenging: achieving seamless coordination and cooperation between the court and court-related agencies. The court reports that the planning process has provided an improved forum for multiple entities to articulate their specific communication and coordination needs and then work to achieve them. Further, based upon increased collaboration with numerous agencies, the court has become more creative in seeking support from nontraditional sources when funding has been required. Finally, it has helped to ensure continuity of and adherence to court-wide priorities as the judges and staff have changed over time.

These examples demonstrate that strategic planning is a tool that courts can and are using to meet their obligations to provide justice and improve access and service at lower costs and during times of fiscal crisis. The “early wins” achieved through the

implementation of a well-crafted plan tend to reverberate throughout the entire organization. They manifest in a court culture and operation more energized, confident, and capable of adapting to rapidly changing conditions.

Judges and court professionals interested in pursuing organizational change efforts can find help from the National Center for State Courts (see NCSC’s *CourtTopics* database, *CourtTools Trial Court Performance Measurement System*, and *Self-Help Support.org*) and from the products of SJI-funded projects issued during the past decade that describe and provide practical suggestions for conducting court-strategic-planning processes (Wagenknecht-Ivey, Martin, and Lynch, 2000). Perspectives about successful change efforts also have been featured in publications such as the National Association for Court Management’s *Court Manager*. Finally, reviewing strategic plans and planning processes completed in other states and judicial systems can be particularly useful.

Successful change can come as a result of a crisis, an opportunity, or one compelling new idea. Today, more than ever, it is the result of multiple and simultaneous external forces. Whatever the impetus, the future of the courts is too important to be left to others or to chance. Thus, rather than a luxury, strategic planning may play a more central role in ensuring that courts can continue to fulfill their core mission.

Why Not Now?

Perhaps the best place to begin asking question “why not now?” is within the court itself. That conversation can begin around a conference table or a brown-bag lunch with judges, court administrators, clerks, staff, and other stakeholders, posing questions such as:

If funding shortages and constraints continue into the foreseeable future...

- what functions, job responsibilities, or work can we (1) start doing; (2) stop doing; or (3) do differently without reducing services to the public?
- how can we use technology more effectively?
- are there other revenue sources we have not tapped?
- what are the recurring problems that might be addressed differently?
- should we redesign court services in a fundamental way consistent with court values to improve operating efficiencies while maintaining or improving services to customers? (Hall and Clarke, 2008.)

ENDNOTES

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